

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-500.011 Examinations.

(1) through (2) No change.

(3) The examination shall be multiple choice. All items will be weighted equally in scoring the (ETS) examination. All scoring procedures and the determination of the minimum passing score shall be ~~The minimum passing score will be a converted score of 610, with possible scores ranging from 0 to 999. The minimum passing score for the (ETS) examination is determined by the National Association for School Psychology (NASP) and ETS using the modified Angoff method. Candidates' scores which include fractions will be rounded up if the fractional part is 0.5 or greater.~~ The subject areas of the examination shall include assessment, intervention, evaluation, professional practice, psychological foundations, and educational foundations.

(4) No change.

Specific Authority 490.015 FS. Law Implemented 455.217(1)(b),(c), ~~456.017, 490.005(2) FS. History—New 12-21-83, Amended 9-18-84, Formerly 21U-500.11, Amended 1-2-92, 6-21-92, Formerly 21U-500.011, 61E9-500.011, Amended~~.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kaye Howerton, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Amy Jones, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 26, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 23, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.:	RULE TITLES:
5J-13.002	Licensing Requirement
5J-13.003	Security Requirement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in the October 11, 2002, issue of the Florida Administrative Weekly, Vol. 28, No. 41 and the Notice of Change published in Vol. 29, No. 35, August 29, 2003, issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.:	RULE TITLE:
6E-1.0032	Fair Consumer Practices

NOTICE OF ADDITIONAL PUBLIC HEARING

The Commission for Independent Education hereby gives notice of an additional public hearing on the above-referenced rule to be held on November 13 and 14, 2003, in Tampa, Florida. An additional notice setting forth the time and location of the public hearing shall be published at a later date. The rule was originally published in Vol. 29, No. 29, of the July 18, 2003, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Commission's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9G-19	Base Funding for County Emergency Management Agencies, Emergency Management Competitive Grant Program and Municipal Competitive Grant Program Rule

RULE NO.:	RULE TITLE:
9G-19.010	Disbursement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 34, August 22, 2003, issue of the Florida Administrative Weekly.

9G-19.010 Disbursement.

(1) through (5) No change.

(6) Upon written request and accompanying documentation detailing exceptional circumstances justifying the need, ~~and at the discretion of the Division,~~ not later than July 31 of each year, Base Grant Recipients receiving trust funds may carry forward up to twenty-five (25) percent of a single year grant award to the next fiscal year.

(7) through (11) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 216.052, 252.35, 252.373, 252.83 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96,

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Debbie Wonsch, Planning Manager, Finance and Logistic Section, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)413-9894 or Suncom 293-9894

DEPARTMENT OF REVENUE

RULE NO.: 12-16.003
 RULE TITLE: Form of Consent Agreements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to this proposed rule, as published in the Vol. 29, No. 35, pp. 3391-3394, August 29, 2003, issue of the Florida Administrative Weekly. These changes are in accordance with subparagraph 120.54(3)(d)1., F.S.

Subsection (2) of Rule 12-16.003, F.A.C., has been changed so that, when adopted, the subsection will read:

12-16.003 Form of Consent Agreements.

(2) The Department prescribes Form DR-872, Consent to Extend the Time to Issue an Assessment or to File a Claim for Refund, dated October, 2003 ~~December, 1998~~, as the form to be used for the purposes of this chapter and incorporates this form by reference. A copy of this form may be obtained, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 1(800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331. The Department will provide this form to the taxpayer with the information specified in subsection (1) of this rule already entered on the form.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE CHAPTER NO.: 15A-9
 RULE CHAPTER TITLE: Breath Alcohol Ignition Interlock Devices

RULE NOS.:
 15A-9.003 Definitions
 15A-9.005 Specifications
 15A-9.007 Certification
 15A-9.008 Installation and De-installation
 15A-9.010 Monitoring

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 36, September 5, 2003, issue of the Florida Administrative Weekly.

15A-9.003 Definitions.

(1) Alcohol. Any substance containing any form of alcohol as defined in Section 322.01(2), Florida Statutes.

15A-9.005 Specifications.

(1) All ignition interlock devices will be required to meet or exceed the standards set forth in the model specifications published in the Federal Register, Vol. 57, No. 67, page 11772 by the National Highway Traffic Safety Administration ~~with the exception of the rolling retest.~~

(5) A rolling retest feature is required for all ignition interlock devices.

(c) Any deep lung breath sample above the fail point or any failure to provide a rolling retest deep lung breath sample shall activate the motor vehicle's horn and cause the motor vehicle's emergency lights to flash until the engine is shut off by the convicted person.

15A-9.007 Certification.

(1) Each manufacturer under contract with the department will submit a certification from an independent laboratory certifying that their ignition interlock device has been tested in accordance with the model specifications published in the Federal Register, Vol. 57, No. 67, page 11772 by the National Highway Traffic Safety Administration and the ignition interlock device meets or exceeds those specifications, as well as criteria set forth in the contract with the department. ~~The only exception to the specifications is the rolling retest. Federal Register as published in Vol. 57, No. 67, page 11772, Tuesday, April 7, 1992 is hereby incorporated by reference.~~

15A-9.008 Installation and De-installation.

(4) Prior to installation of the ignition interlock device, the convicted person must provide to the service provider: Upon installation, the manufacturer or his representatives shall complete a notice of proof of installation (HSMV 72122) and submit to Department of Highway Safety and Motor Vehicles within 15 days of installation date.

(b) The VIN numbers of all motor vehicles owned or routinely driven by the convicted person; and

(c) A statement disclosing the names of all other operators of the motor vehicles owned or driven by the convicted person.

15A-9.010 Monitoring.

(2) The department will refer the convicted person who is not in the Special Supervision Services Program to a licensed DUI program;

(a) Upon the first violation, as defined in subsection 15A-9.003(23), Florida Administrative Code.

2. The DUI program shall complete the Ignition Interlock Device Interview Report, HSMV Form 77136, referenced in subsection 15A-9.014(1), Florida Administrative Code, to document the face-to-face interview.

3. The interview fee to be charged by the DUI programs shall be \$25. This is the only fee to be charged for the services except for department-approved ancillary fees, as provided in Chapter 15A-10, Florida Administrative Code.

(b) Upon the second violation, as defined in subsection 15A-9.003(23), Florida Administrative Code.

3. The DUI program shall complete the Ignition Interlock Device Interview Report, HSMV 77136 to document the monthly face-to-face interview. The fee for the initial appointment shall be \$55 and shall include the development of a case management plan. The monthly fee shall be \$25. These are the only fees to be charged for the services, except for department-approved ancillary fees, as provided in Chapter 15A-10, Florida Administrative Code.

7. If the convicted person misses two consecutive appointments, the DUI program shall recommend cancellation of the license unless the convicted person has good cause for missing the appointment. Good cause is defined as natural disaster, death in the immediate family, or illness documented by the attending physician. The DUI program shall notify the department on the Letter Recommending Cancellation, HSMV Form 77137, referenced in subsection 15A-9.014(2), Florida Administrative Code, unless good cause is documented. A record of all tests where alcohol is detected must be recorded by day, date and time.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-508.101
RULE TITLE: Hobbycraft Programs

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 13, March 29, 2002, Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-3.255
RULE TITLE: Emergency Care

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule published in Vol. 29, No. 39, September 26, 2003, Florida Administrative Weekly is hereby withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-1.011
RULE TITLE: License Fees and Examination Fees

NOTICE OF CORRECTION

The Florida Real Estate Commission announces a correction to the Notice of Proposed Rulemaking regarding Rule 61J2-1.011, F.A.C., which appeared in the September 19, 2003 issue of the Florida Administrative Weekly.

Specifically, the portion of the notice regarding the date notice of proposed rule development should read:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-13.004
RULE TITLE: Continuing Education

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 29, No. 29, July 18, 2003, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on September 19, 2003.

The rule shall now read as follows:

(1) For the purpose of renewing or reactivating a license, an applicant must demonstrate to the Board that he or she participated in at least forty (40) classroom hours of continuing chiropractic education, during all bienniums during which the license was inactive, or for purposes of renewal during the past two years, of which at least three hours shall be with regard to one (1) hour concerned risk management with two of these three risk management hours specifically relating to and at least two (2) hours concerned the laws and rules of the board and the regulatory agency under which the Board operates. For the purpose of this rule, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of

correcting, reducing or eliminating identifiable risks. The laws and rules of the Board and the regulatory agency under which the Board operates include Chapters 456 and 460, Florida Statutes, and Rule Chapter 64B2, F.A.C.

(2) No change.

(3) Continuing education providers, including providers of AIDS and risk management, seeking initial approval by the Board shall pay a fee of \$250. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Board approval, a continuing education program:

(a) No change.

(b) Must be offered for the purpose of keeping the licensee apprised of advancements and new developments in at least two of the following areas, provided that the continuing education is within the scope of chiropractic practice as defined in chapter 460, F.S.:

1. through 18. No change.

(c) through (d) No change.

(4) through (8) No change.

~~(9) A member of the Board of Chiropractic Medicine, or a previous member serving in a probable cause panel, may obtain five (5) hours of continuing chiropractic education in the subject area of risk management for attendance at one Board meeting or probable cause panel. The maximum CE hours allowable per biennium under this paragraph shall be ten (10).~~

(10) though (13) renumbered (9) through (12) No change.

(13) Board members shall receive credit for the two risk management hours that relate to the laws and rules of the Board during their term on the Board.

Specific Authority 460.408(3) FS. Law Implemented 456.013(6), 456.036(10), 460.408 FS. History--New 1-10-80, Amended 11-25-80, 1-13-82, Formerly 21D-13.04, Amended 6-22-86, 7-5-87, 1-25-88, 10-17-90, 10-15-92, Formerly 21D-13.004, Amended 10-26-93, Formerly 61F2-13.004, Amended 3-16-95, 7-18-95, 6-11-96, Formerly 59N-13.004, Amended 6-24-98, 8-4-99, 7-11-02, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: RULE TITLE:
64B2-16.0075 Citations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 29, No. 34, August 22, 2003, issue of the Florida Administrative Weekly. The

changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on September 19, 2003.

The rule shall now read as follows:

64B2-16.0075 Citations.

(1) through (5) No change.

(6) Prior to issuance of the citation, the licensee investigator must confirm that the violation has been corrected or is in the process of being corrected.

(7) through (9) No change.

Specific Authority 456.077, 460.405 FS. Law Implemented 456.035, 456.072(3), 456.073 FS. History--New 1-19-92, Amended 4-26-93, Formerly 21D-16.0075, 61F2-16.0075, Amended 7-18-95, Formerly 59N-16.0075, Amended 2-11-99, 5-31-00, 10-7-02, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: RULE TITLE:
64B19-18.0025 Qualifications to Practice Juvenile
Sexual Offender Therapy

SECOND NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 28, No. 33, August 16, 2002, issue of the Florida Administrative Weekly. A Notice of Change was published in Vol. 29, No. 39, September 26, 2003 issue of the Florida Administrative Weekly.

After additional review, the Board voted to approve the rule with the following changes.

(Substantial rewording of Rule 64B19-18.0025 follows. See Florida Administrative Code for present text.)

64B19-18.0025 Qualifications to Practice Juvenile Sexual Offender Therapy.

Effective December 31, 2004, in order for a psychologist licensed pursuant to Chapter 490, F.S., to hold oneself out as a juvenile sex offender therapist or evaluator, the licensee must:

(1) Complete continuing education training, or demonstrate coursework taken as part of the licensee's doctoral program, in the following subject areas:

(a) Developmental sexuality, including sexual and reproductive anatomy and physiology, gender and sexual identity, and sexual diversity.

(b) Interaction between sexuality and the dynamics of interpersonal and family relationships.

(c) Sexual arousal patterns, including both typical and deviant fantasy patterns.

(d) Sexual dysfunctions, disorders, and deviancy, including sexual abuse patterns and the thinking errors that support the cycle of abuse.

(e) Victim empathy and victimology.

(f) Use and misuse of defense mechanisms, as it applies to juvenile sex offenders.

(g) Dynamics of power and control, as it applies to juvenile sexual offenders.

(h) Compulsivity management, arousal control, anger regulation, and relapse prevention.

(i) Group therapy and biomedical approaches in treating sexual dysfunctions, disorders and deviancy.

(j) Legal, ethical, and forensic issues in treating juvenile sex offenders.

(2) Complete 10 hours of continuing education credits each license renewal biennium in any of the above subject areas. The 10 hours completed for the purposes of satisfying the requirements of this rule shall be included in the 40 hours of continuing education required of each licensee per biennium.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology, MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-17.006 Licenses and Fees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 50, December 14, 2001, Florida Administrative Weekly, has been withdrawn.

Section IV Emergency Rules

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES:

RULE NOS.:

Assignment of Service Addresses to Local
Taxing Jurisdictions; Liability for Errors;
Avoidance of Liability Through Use
of Specified Methods; Reduction in
Collection Allowance for Failure
to Use Specified Methods

12BER03-7

Department of Revenue Electronic Database
Certification of Service Address Databases

12BER03-8

Use of Enhanced Zip Code Method to

12BER03-9

Assign Service Addresses to

Local Taxing Jurisdictions

12BER03-10

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Communications Services Tax Simplification Law (Chapter 202, F.S.) requires that communications services dealers must collect and remit local communications services taxes based on the rate of the local taxing jurisdiction in which customer service addresses are located. The Department of Revenue is required to develop and maintain an electronic database in which local service addresses are assigned to local jurisdictions, and local governments are required to provide information for inclusion in the database. The initial electronic database has been developed, and the announcement concerning its availability and initial effective date was included in the April 5, 2002, issue of the Florida Administrative Weekly. Use of certain methods to assign service addresses, including use of a database that has been certified by the Department of Revenue as meeting statutory accuracy standards, entitles a dealer to a higher collection allowance and to protection against liability for taxes, interest, and penalties resulting from erroneous service address assignments. The promulgation of these emergency rules ensures the following: 1) that communications services tax dealers are informed of their obligations concerning the assignment of customer service addresses, of the methods of assigning addresses that will entitle dealers to protection against liability, and of the methods of assigning addresses that will entitle a dealer to a higher collection allowance; 2) that the procedures and forms for the Department and local governments to maintain the accuracy of the database on an on-going basis are immediately available; and 3) that the procedures and forms for application for certification by the Department of databases used by communications services tax dealers are available.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized promulgation of emergency rules, and the renewal of such rules, to administer the provisions of the Communications Services Tax Simplification Law. Emergency rules are the most appropriate means of ensuring that local governments have procedures and forms in place to assure they can meet the statutory deadline to submit changes for inclusion in the next update of the Department of Revenue database. Emergency rules are also the most appropriate means for providing communications services dealers and others with procedures and forms to apply for certification of service address databases.

The Department of Revenue has sought comment on these emergency rules to the extent possible within the time restraints resulting from the statutory requirements.

SUMMARY OF THE RULE: Emergency Rule 12BER03-7, F.A.C., provides guidelines on: 1) the requirement that communications services dealers assign customer service addresses to local taxing jurisdictions; 2) the use of certain